

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TAHEEN HAYES,

Plaintiff,

DECLARATION

-against-

1:16-CV-1368

TIMOTHY DAHLKE, JASON MEIER, GREGORY
LANGTRY, STEPHEN BENCE, EDWARD COON,
KRISTOPHER HOFFMAN, JAMES IARUSSO,
RAYMOND SHANLEY, AND DANIEL
MARTUSCELLO,

(TJM/CFH)

Defendants.

Edward Coon, on the date noted below and pursuant to § 1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am employed by the New York State Department of Corrections and Community Supervision (“DOCCS”) at Coxsackie Correctional Facility (“Coxsackie”) as a Correction Officer. I have been employed as a Correction Officer by DOCCS since May 19, 2014.

2. I am a named defendant in this matter and make this declaration in support of Defendants’ motion for summary judgment.

3. The information contained herein is based upon my personal knowledge and a review of records maintained in the ordinary course of business by DOCCS.

4. I have been informed by counsel that Plaintiff Taheen Hayes (DIN 05-A-3850) alleges that I used excessive force against him on July 30, 2016.

5. On July 30, 2016, I responded to a Watch Commander Response shortly after 3:00

p.m. on F-3 Division at Coxsackie. *See generally*, Declaration of Helena O. Pederson (“Pederson Dec.”), Exhibit D, pp. DEF0369-391. It is my understanding that the response was called because Plaintiff had attempted to assault Defendant Meier. *See id.*

6. When I arrived, I observed Plaintiff laying on the floor with his hands secured behind his back by other Correction Officers. *See id.*, p. DEF0381.

7. I assisted by applying mechanical restraints to Plaintiff’s wrists. *Id.*

8. Upon information and belief, Plaintiff was then escorted to the medical department by another Correction Officer. *Id.*, p. DEF0382.

9. I had no further interaction with Plaintiff on July 30, 2016.

10. I created a memorandum documenting my actions on July 30, 2016, according to normal and ordinary DOCCS procedure following a Use of Force incident. Pederson Dec., Exhibit D, p. DEF0381.

11. My only role in the July 30, 2016 Use of Force incident was to apply mechanical restraints to Plaintiff’s wrists. Accordingly, the only force I used towards Plaintiff that day was the minimal force associated with applying mechanical restraints.

12. Aside from such minimal force, I never struck, pushed, kicked, or otherwise used any physical force against Plaintiff on July 30, 2016.

13. I acted professionally and in accordance with DOCCS rules, regulations, directives, and procedures at all times.

14. Based upon the forgoing, I respectfully request that the Court grant defendants' motion for summary judgment.

Dated: August 22, 2018
Coxsackie, New York

s/ Edward Coon
Edward Coon